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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of

John SKALEN

Serial No.: 09/787,750

Filed: May 21, 2001

For: GOLF TRAINING DEVICE

Appeal No.: 2004-0064

Date: February 20, 2004

Group Art Unit: 3711

Examiner: M. Chambers

Mail Stop Appeal Brief - Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION FOR EXTENSION OF TIME PURSUANT TO 37 C.F.R. § 1.136(b)

Applicant respectfully requests an extension of two weeks, until March 8, 2004, in which to take action pursuant to 37 C.F.R. § 1.196(b) and/or 37 C.F.R. § 1.197(b) in connection with this matter. The reasons for this request are as follows:

1. Applicant is a resident of Sweden, and Homerange, AB, the assignee and real party in interest, is a Swedish Corporation. The undersigned attorneys (hereafter, applicant's U.S. attorneys) were engaged by and are instructed by Swedish patent counsel for the parties. As is customary in such situations, communication is between applicant's U.S. attorneys and the law firm in Sweden.

2. Upon study of the decision of the Board of Patent Appeals and Interferences (the Board) in this matter, it appeared that a ground of rejection may implicitly have been relied on by the Board which had not been presented by the Examiner, and which accordingly had never been responded to during the prosecution of this application. This was not designated in the decision as a "new ground of rejection", but in our opinion, perhaps it should have been.

3. It was also our opinion that it would be appropriate to request the Board to reconsider its interpretation of the facts and the law relied on in reaching its decision pursuant to 37 C.F.R. § 1.197, irrespective of the applicability of the provisions of 37 C.F.R. § 1.196.

4. These complex issues and the available options were communicated to our Swedish counterparts. After due consideration, we were instructed to file a response pursuant to 37 C.F.R. § 1.196(b), while preserving the option to have the response treated according to 37 C.F.R. § 1.197 if the basis for the Board's decision was deemed not to be a new ground of rejection.

5. We had also recommended the filing of a Declaration pursuant to 37 C.F.R. § 1.132, and we were ultimately instructed to proceed with this as well. Because of the time required for consideration and decision-making, and identifying a suitable person to make the Declaration, we have not been able to complete the responsive papers and to have them reviewed in Sweden. The requested two week extension will provide the time needed for completion of these activities.

Sufficient cause having been shown, applicant respectfully requests that this petition be granted.

As this petition is being filed by facsimile, it is further respectfully requested that the fee for this petition be charged to Deposit Account No. 15-0700.

I hereby certify that this correspondence is being transmitted via facsimile (703) 308-7953 on February 20, 2004:

Lawrence A Hoffman
Name of applicant, assignee or
Registered Representative

Lawrence A Hoffman
Signature

February 20, 2004
Date of Signature

LAH:mjb

Respectfully submitted,

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